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	DODE-00	EAP-01	EB-01	EUR-01	OIGO-01	H-01	TEDE-00
	INR-00	JUSE-00	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00
	OIC-02	PA-02	PRS-01	P-01	SP-00	SR-00	SS-00
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FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 1190
INFO HUMAN RIGHTS COMMISSION COLLECTIVE
AMEMBASSY BRUSSELS
AMEMBASSY BUJUMBURA
AMEMBASSY ADDIS ABABA
AMEMBASSY KINSHASA
AMEMBASSY DAR ES SALAAM
AMEMBASSY KAMPALA

UNCLAS SECTION 01 OF 03 GENEVA 05974

E.O. 12356: N/A
TAGS: PHUM, UNHRC-1, PREF, RW
SUBJECT: HUMAN RIGHTS COMMISSION: SPECIAL RAPPORTEUR
CONCLUDES GENOCIDE HAS OCCURRED IN RWANDA

GENEVA 01 OF 03 5974

1. SUMMARY: HUMAN RIGHTS COMMISSION SPECIAL RAPPORTEUR ON RWANDA RENE DEGNI-SEGUI ISSUED HIS INITIAL REPORT ON RWANDA JUNE 30; THE FULL TEXT (AVAILABLE ONLY IN FRENCH) WAS FAXED IMMEDIATELY TO THE DEPARTMENT AND USUN. FOR THE RECORD, WE OUTLINE BELOW DEGNI-SEGUI'S FINDINGS AND CONCLUSIONS. HIS CAREFULLY CRAFTED AND WELL-ARGUED REPORT PROVIDES AN OVERVIEW OF HIS MISSION TO RWANDA AND HIS CONCLUSIONS. THE 17-PAGE DOCUMENT DESCRIBES HORRIBLE ATROCITIES, MASSACRES, TORTURE, POLITICAL ASSASSINATION, WAR CRIMES AND MASS EXODUS. IT CONCLUDES THAT HUNDREDS OF THOUSANDS WERE KILLED IN SYSTEMATIC MASSACRES THAT CONSTITUTE GENOCIDE AGAINST THE TUTSIS. A SITUATION OF "TOTAL INSECURITY" CONTINUES TO EXIST THROUGHOUT THE COUNTRY. DEGNI-SEGUI RECOMMENDS:

- AN IMMEDIATE, UNCONDITIONAL CESSATION OF HOSTILITIES;
- A UN APPEAL TO THE PARTIES TO END THE MASSACRES, DISARM CIVILIANS AND DISBAND MILITIAS;
- AN END TO MEDIA INCITEMENT OF VIOLENCE;
- MEASURES TO PROTECT REFUGEES, ESPECIALLY ORPHANS;
- A NEGOTIATED TRANSITION TO DEMOCRACY;
- CREATION OF AN INTERNATIONAL JURISDICTION TO GATHER FACTS AND JUDGE THE GUILTY; AND
- PLACEMENT OF A REINFORCED TEAM OF HUMAN RIGHTS OBSERVERS ON THE GROUND.

END SUMMARY.

2. THE UNHRC SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN RWANDA, RENE DEGNI-SEGUI, ISSUED HIS INITIAL REPORT (E/CN.4/1995/77) ON JUNE 30. THE REPORT REVIEWS THE FINDINGS OF HIS JUNE 9-20 VISIT TO RWANDA AND NEIGHBORING COUNTRIES, ACCOMPANIED BY THE HUMAN RIGHTS COMMISSION'S SPECIAL RAPPORTEURS ON EXECUTIONS

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UNITED STATES DEPARTMENT OF STATE

REVIEW AUTHORITY: HARRY R MELONE

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AND TORTURE. DEGNI-SEGUI PUTS HIS MISSION IN THE CONTEXT OF THE EARLIER VISIT TO RWANDA BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS. HE POINTS OUT THAT HIS REPORT IS NOT EXHAUSTIVE DUE TO THE SHORT TIMEFRAME HE WAS GIVEN IN WHICH TO PREPARE IT.

3. DEGNI-SEGUI'S REPORT BEGINS WITH A REVIEW OF EVENTS IN RWANDA FOLLOWING THE DOWNING OF THE PRESIDENT'S AIRPLANE ON 6 APRIL 1994, WHICH WAS THE IMMEDIATE CAUSE OF THE DRAMATIC EVENTS THERE. AT THE TIME OF HIS VISIT, THE REPORT STATES, ACTS OF VIOLENCE WERE CONTINUING THROUGHOUT THE COUNTRY.

4. THE SPECIAL RAPPORTEUR'S REPORT DEALS IN PARTICULAR WITH THE QUESTION OF MASSACRES. HE DISTINGUISHES BETWEEN ATROCITIES THAT OCCURRED IN ZONES UNDER GOVERNMENT CONTROL AND THOSE IN TERRITORIES CONTROLLED BY THE RPF. IN THE FORMER, MOST MASSACRES WERE CARRIED OUT BY MILITIAS AND WERE DIRECTED AGAINST TUTSIS AND MODERATE HUTUS. AS EXAMPLES, HE DESCRIBES BRIEFLY A NUMBER OF PARTICULAR MASSACRES, MUTILATIONS, INSTANCES OF INDIVIDUALS BEING BURIED ALIVE, MASS GRAVES, AND CORPSES STREWN IN THE STREETS OF VILLAGES. IN RPF-CONTROLLED TERRITORY, IN CONTRAST, HE WAS UNABLE TO CONFIRM ALLEGATIONS THAT MASSACRES HAD OCCURRED. THAT THE RPF WAS, HOWEVER, GUILTY OF SUMMARY EXECUTIONS. HE ESTIMATES THE TOTAL NUMBER OF INDIVIDUALS KILLED IN RWANDA AS BETWEEN 200,000 AND 500,000, WITH SOME OBSERVERS ESTIMATING A DEATH TOLL CLOSER TO ONE MILLION.

5. DEGNI-SEGUI CHARACTERIZES THE MASSACRES AS WELL-PROGRAMMED AND SYSTEMATIC. AS EVIDENCE OF THIS, HE CITES A CAMPAIGN OF EXHORTATION BY THE OFFICIAL GOVERNMENT MEDIA AS WELL AS BY "RADIO MILLES COLLINES." IN ADDITION, HE NOTES THAT ARMS WERE DISTRIBUTED BY THE

GENEVA 02 OF 03 5974

GOVERNMENT TO THE CIVILIAN POPULATION AND TO THE MILITIAS. HE COMMENTS ALSO ON THE EXISTENCE OF LISTS OF INDIVIDUALS IDENTIFIED FOR EXECUTION. THE SYSTEMATIC CHARACTER OF THE MASSACRES IS FURTHER EVIDENCED BY THE KILLING OF ENTIRE FAMILIES, INCLUDING THE AGED AND CHILDREN. FRONTIERS WERE BLOCKED TO PREVENT TUTSIS FROM FLEEING TO NEIGHBORING COUNTRIES.

6. THE KILLINGS, MOREOVER, WERE CARRIED OUT IN AN EXTREMELY CRUEL MANNER, OFTEN PRECEDED BY TORTURE. GENERALLY, VICTIMS WERE HACKED WITH MACHETES. WITNESSES REPORT THAT VICTIMS OFTEN PAID THEIR KILLERS TO BE SHOT TO DEATH RATHER THAN HACKED. WHEN TUTSIS WERE ABLE TO PROTECT THEMSELVES IN CLOSED COMPOUNDS SUCH AS CHURCHES, THE ARMY WOULD ASSIST THE MILITIAS IN GAINING ENTRY.

7. CONDITIONS OF TOTAL INSECURITY CONTINUE TO REIGN THROUGHOUT RWANDA. IN ADDITION TO DANGER FROM ARMED FORCES AND MILITIAS, THE POPULATION FACES FOOD SHORTAGES AND POSSIBLE FAMINE, ESPECIALLY IN THE SOUTH. SANITARY CONDITIONS RISK DEVELOPING INTO EPIDEMICS.

8. THE CONFLICT HAS LED TO A MASS EXODUS UNPRECEDENTED IN RWANDA. MORE THAN TWO MILLION PERSONS ARE DISPLACED. EVEN THOSE REFUGEES WHO HAVE REACHED CAMPS IN NEIGHBORING COUNTRIES ARE NOT SAFE. FOR EXAMPLE, SEVERAL CAMPS IN THE SOUTH KIVU REGION OF ZAIRE SERVE AS TRAINING BASES FOR MILITIAS. CASES OF ASSASSINATIONS, TORTURE AND DISAPPEARANCES HAVE BEEN REPORTED IN THESE CAMPS. AT THE BANAKO CAMP IN TANZANIA, THE REFUGEES INCLUDE INDIVIDUALS ACCUSED OF HAVING ORGANIZED OR PARTICIPATED IN MASSACRES IN RWANDA.

UNCLASSIFIED

2 4

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9. DEGNI-SEGUI BRIEFLY ANALYZES THE PROVISIONS OF THE CONVENTION AGAINST GENOCIDE AND CONCLUDES THAT THE EVENTS IN RWANDA CONSTITUTE GENOCIDE AGAINST THE TUTSIS. WHILE MANY HUTUS WERE ALSO VICTIMS OF MASSACRES, THEY WERE GENERALLY KILLED BECAUSE OF THEIR MODERATE VIEWS AND SYMPATHIES WITH TUTSIS. DEGNI-SEGUI ALSO COMMENTS ON OTHER GROSS VIOLATIONS OF HUMAN RIGHTS, VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, AND WAR CRIMES. THE REPORT LAMENTS THAT MOST OF THE PERPETRATORS OF VIOLATIONS HAVE SO FAR ESCAPED WITH IMPUNITY.

10. AT THE TOP OF DEGNI-SEGUI'S LIST OF THOSE RESPONSIBLE FOR THE MASSACRES IS THE RWANDAN GOVERNMENT, PARTICULARLY TOP POLITICAL OFFICIALS, SECURITY FORCES INCLUDING THE PRESIDENTIAL GUARD, THE ARMED FORCES, THE POLICE AND LOCAL AUTHORITIES. HE ALSO HOLDS THE RPF RESPONSIBLE FOR SOME VIOLATIONS. IN ADDITION, HE SINGLES OUT THE MILITIAS FOR SPECIAL BLAME. HE ALSO NOTES THAT ROLE OF "CERTAIN FOREIGN STATES" AND THEIR INTERFERENCE IN RWANDA'S POLITICS NEEDS TO BE CLARIFIED. FINALLY, HE DEPLORES THAT THE INTERNATIONAL COMMUNITY REDUCED THE SIZE OF UNAMIR IN APRIL, LIMITING ITS ABILITY TO PROTECT THOSE IN DANGER. HE CONCLUDES THAT THE INTERIM GOVERNMENT OF RWANDA BEARS PARTICULAR RESPONSIBILITY FOR NOT HAVING DONE WHAT IT COULD TO END THE MASSACRES.

11. DEGNI-SEGUI'S REPORT CONCLUDES WITH THE FOLLOWING SET OF RECOMMENDATIONS:

A. IMMEDIATE MEASURES

- THE UN SHOULD INSIST THAT THE PARTIES END THE WAR AND STOP THE GENOCIDE AND OTHER MASSIVE HUMAN RIGHTS VIOLATIONS. THE CESSATION OF HOSTILITIES SHOULD BE IMMEDIATE AND UNCONDITIONAL.
- THE UN SHOULD CALL ON THE PARTIES TO ISSUE AN URGENT AND SOLEMN APPEAL TO THEIR TROOPS, MILITIAS AND ARMED CIVILIANS TO CEASE IMMEDIATELY ALL MASSACRES. THE PARTIES SHOULD TAKE CONCRETE MEASURES TO DISARM CIVILIANS AND DISBAND MILITIAS.

GENEVA 03 OF 03 5974

- THE UN SHOULD INSIST THAT GOVERNMENT AUTHORITIES APPEAL TO THE MEDIA, ESPECIALLY RADIO-TV MILLES COLLINES, TO PUT AN IMMEDIATE END TO INCITEMENT.
- THE UN SHOULD CONDEMN THE GENOCIDE AND MAKE CLEAR TO THOSE RESPONSIBLE THAT THEY WILL BE HELD ACCOUNTABLE FOR THEIR ACTS.
- THE UN AND OAU SHOULD TAKE APPROPRIATE MEASURES TO ASSURE PROTECTION FOR DISPLACED PERSONS AND REFUGEES, PARTICULARLY ORPHANS. THEY SHOULD CREATE A "WELCOME CENTER" OR ORPHANAGE — FINANCED BY A SPECIAL FUND — TO PROTECT ORPHANS. THE UN SHOULD ALSO CREATE SAFE PASSAGE ZONES TO PERMIT POPULATION GROUPS TO PLACE THEMSELVES UNDER THE PROTECTION OF THE AUTHORITIES OF THEIR CHOICE.

B. SHORT AND MEDIUM-TERM MEASURES:

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3 4

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- THE UN AND OAU SHOULD BRING THE PARTIES TO THE CONFLICT INTO A NEGOTIATION THAT TAKES ACCOUNT OF THE ARUSHA AGREEMENT OF AUGUST 19, 1993. THE EVENTUAL AGREEMENT SHOULD IN NO WAY GRANT IMMUNITY TO THE PERPETRATORS OF GENOCIDE. PUNISHMENT OF THOSE RESPONSIBLE IS ONE OF THE CONDITIONS FOR RECONCILIATION AND NATIONAL UNITY.
- THE UN SHOULD ENSURE A DEMOCRATIC TRANSITION THROUGH FREE ELECTIONS BASED ON A CONSTITUTION CREATING NATIONAL AND DEMOCRATIC INSTITUTIONS THAT TAKE DUE ACCOUNT OF THE LEGITIMATE INTERESTS OF THE TWO COMMUNITIES.
- IN THE PEACE TALKS, THE UN SHOULD INSIST THAT THE NEW CONSTITUTION FORBID ISSUANCE OF ANY OFFICIAL DOCUMENTS OR IDENTITY CARDS THAT STATE THE ETHNICITY OF INDIVIDUALS.
- THE UN SHOULD CREATE AN AD HOC INTERNATIONAL JURISDICTION CHARGED TO GATHER FACTS AND JUDGE THE GUILTY.
- THE UN SHOULD PUT INTO PLACE A REINFORCED TEAM OF HUMAN RIGHTS OBSERVERS GUIDED BY A HIGH-LEVEL COORDINATOR ATTACHED TO THE SPECIAL RAPPORTEUR.

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